

REMARKS

Claims 32-40 and 73-95 constitute the pending claims in this application. Claims 32-38, 40, and 74-86 are withdrawn from consideration as being drawn to a non-elected invention. Applicants will cancel these claims upon indication of allowable subject matter in the elected invention. Claims 12 and 60 have been amended. Claims 87-95 have been added.

No new matter has been introduced. New claims 74-86 and the claim amendments are supported by the specification and originally filed claims generally. Specific examples of support may be found in original claim 39; at page 19, lines 14-20; at page 25, lines 8-23; and at page 32, line 17 – page 33, line 21; at page 36, line 8 – page 37, line 4. The amendments are made solely to expedite prosecution of the application, and Applicants reserve the right to prosecute claims of similar or differing scope in subsequent applications.

Applicants note with appreciation that the amendments put forth in the Paper filed on 10/3/2003 have been entered in full.

Applicants respectfully request reconsideration in view of the following remarks. Issues raised by the Examiner will be addressed below in the order they appear in the prior Office Action.

Election/Restriction

The Examiner has acknowledged Applicants' election of Group V (claim 39) with traverse in the Paper filed on 10/3/2003. Applicants reiterate the arguments presented in the prior response to the Restriction Requirement and traverse the division between Groups IV and V. Applicants assert that these two groups should be rejoined and claims 32-38, 39-40, and 73-95 should be examined. However, solely to expedite prosecution of the application, Applicants have withdrawn claims of Group IV and reserve the right to pursue any of the withdrawn claims in this or future applications.

Claim rejections under 35 U.S.C. 102(a)

Claims 39 and 73 are rejected under 35 U.S.C. 102(b) as allegedly being anticipated by Yamamoto et al. Claims 39 and 73 are also rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Haber et al. Claims 39 and 73 are further rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Olson et al. Applicants traverse these rejections to the extent it is maintained over the claims as amended.

The standard for anticipating a claim is clearly outlined in MPEP 2131, and this standard is further supported by the Courts. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1978). “The identical invention must be shown in as complete detail as is contained in the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicants contend that Yamamoto et al., Haber et al., and Olson et al., each fails to satisfy this criteria for anticipating the present invention. As amended, independent claim 39 relates to an agent that binds to a cell-surface protein selected from the group consisting of an Ephrin family ligand and an Eph family receptor. Although Yamamoto et al., Haber et al., and Olson et al. provide working examples where arterial smooth muscle cells are treated with certain compounds, none of those compounds binds to an Ephrin family ligand or an Eph family receptor. In addition, none of Yamamoto et al., Haber et al., and Olson et al. suggests that an arterial smooth muscle cell be treated with a compound/agent that binds to an Ephrin family ligand or an Eph family receptor. Indeed, the teachings of Yamamoto et al., Haber et al., and Olson et al. are completely silent on this issue.

Accordingly, Applicants respectfully submit that Yamamoto et al., Haber et al., and Olson et al. fail to meet the limitations of the present claims and thus fail to anticipate the claimed subject matter. Reconsideration and withdrawal of this rejection are respectfully requested.

CONCLUSION

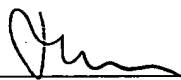
For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the pending rejections. Applicants believe that the claims are now in condition for allowance and early notification to this effect is earnestly solicited. Any questions arising from this submission may be directed to the undersigned at (617) 951-7000.

If there are any other fees due in connection with the filing of this submission, please charge the fees to our **Deposit Account No. 18-1945**. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit account.

Respectfully Submitted,

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